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CLERK, U. S. DISTRICT COURT  
FEDERAL DISTRICT OF CALIFORNIA

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DISTRICT CLUB  
BEVERLY HILLS  
*David*  
TDO green

1 Daniel H. Qualls (Bar # 109036)  
2 Robin G. Workman (Bar # 145810)  
3 Aviva N. Roller (Bar # 245415)  
4 **QUALLS & WORKMAN, L.L.P.**  
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Telephone: (202) 742-7780

Attorneys for Plaintiff Johnny McFarland, and all others similarly situated.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 Notice is hereby given that Johnny McFarland, plaintiff in the above named case, hereby  
22 appeals to the United States Court of Appeals for the Ninth Circuit from the Stipulated Judgment  
23 entered herein on August 25, 2008.

24 DATE: August 26, 2008

QUALLS & WORKMAN, L.L.P.

Bv:

Robin G. Workman  
Attorney for Plaintiff Johnny McFarland,  
and all others similarly situated

**PROOF OF SERVICE**

I, Cheryl Porter, hereby declare:

I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Qualls & Workman, L.L.P., 244 California Street, Suite 410, San Francisco, California.

On August 27, 2008, I served the NOTICE OF APPEAL on the interested parties in this action via mail by placing a true copy thereof, on the above date, enclosed in a sealed envelope following the ordinary business practice of Qualls & Workman, for collection and mailing in the United States mail addressed as set forth below:

Martin D. Bern  
Munger Tolles & Olson LLP  
560 Mission Street  
Twentyseventh Floor  
San Francisco, CA 94105-2907

Malcolm A. Heinicke  
Munger Tolles & Olson LLP  
560 Mission Street  
27th Floor  
San Francisco, CA 94105-2907

I am personally and readily familiar with the business practice of Qualls & Workman for collection and processing of documents for mailing with the U.S. Postal Service, pursuant to which mail placed for collection at designated stations in the ordinary course of business is deposited the same day, proper postage prepaid, with the U.S. Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 27, 2008, at San Francisco, California.

Cheryl Porter  
Cheryl Porter

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Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611022002  
Cashier ID: sprinka  
Transaction Date: 08/27/2008  
Payer Name: qualls and workman

**NOTICE OF APPEAL/DOCKETING FEE**

For: qualls and workman  
Case/Party: D-CAN-3-07-CV-003953-001  
Amount: \$455.00

**CHECK**

Check/Money Order Num: 3495  
Amt Tendered: \$455.00

Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00

mej

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.